

GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department – Telangana State – Erstwhile Warangal District – Issue of Local Scheduled Tribe Agency Area Certificates – Cancellation of Local Scheduled Tribe Agency Area Certificate by the Collector & District Magistrate, Warangal vide Proc. No.C5/3342/2010, dated 27.04.2011 - Appeal filed Sri Banoth Ravi S/o Nanda, R/o Dabeerpet Village, Khanapur Mandal, Warangal District - Appeal Allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No.46

Dated:03.10.2023.

Read the following:-

1. Proceedings No.C5/3342/2010, dated 27.04.2011 O/o. the Collector & District Magistrate, Warangal.
2. Appeal petition filed Sri Banoth Ravi S/o Nanda, R/o Dabeerpet Village, Khanapur Mandal, Warangal District, dated .05.2023.
3. Govt. Memo.No.743/TW.LTR/2023-1&2, dated 11.07.2023 and 14.08.2023
4. Govt.Notice No.743/TW.LTR/2023, dated 11.07.2023, 27.07.2023 and 14.08.2023
5. From the District Tribal Development Officer(FAC), Warangal District Lr.Rc.No.R3/261/2023, dated 25.08.2023.

ORDER:-

In the reference 1st read above, the Collector & District Magistrate, Erstwhile Warangal District has cancelled the Local Scheduled Tribe Agency Area Certificate bearing No.C/2071/2002, dated 30.05.2002 Sri Banoth Ravi S/o Nanda, R/o Dabeerpet Village, Khanapur Mandal, Warangal District for the following reasons:

- i) The Tahsildar, Khanapur Mandal has reported in Lr.No.C/379/2009, dated 15.09.2010 stating that the Agency Certificate bearing Rc.No.C/2071/2002, dated 30.05.2002 was issued to Sri Banothu Ravi S/o Nanda R/o Dabeerpet village of Khanapur Mandal. As per instructions of the Dist. Collector, Warangal, genuineness of the certificate was enquired into with reference to G.O.Ms.No.3 (SW) dated 10.01.2000 - the family of Sri Banothu Ravi S/o Nanda R/o Dabeerpet village of Khanapur Mandal migrated from Bollikunta village of Sangem Mandal to Ramnayak thanda H/o Dabeerpet village, Khanapur Mandal (40) years back and residing in Ramnayak thanda from the year 1970 onwards only. Hence, recommended for cancellation of his Agency Certificate issued as they did not reside in the Agency area continuously from 26.1.1950.
- ii) Applicant attended before the DLSC on 28.9.2010 and submitted his explanation.
- iii) The Revenue Divisional Officer, Narsampet who conducted detailed enquiry submitted report vide Lr.No.E/44/2010-11, dated 11.11.2010 stating that during the enquiry at Dabeerpet village, the candidate has stated that his parents are residing at Dabeerpet village from prior to 1950. The applicant produced xerox copies of the following:
 - a) Land Transfer Stamp papers dated 10.6.1968, 10.12.1972, 3.7.1974, 28.2.1968 and 11.6.1994.
 - b) Voter ID card No.FBB 2379303 dated 22.5.2003.
 - c) White Ration Card bearing No.WAP212901900392 dated 28.6.2006 in the name of Banothu Ravi S/o Nanda.
 - d) EPIC card and White Card in the name of his father Banoth Nanda No.AP/36/266/354474, dated 15.12.1995 and WAP 212901900064, dated 21.6.2006.

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e) Sada Binama paper for the year 9.6.1948 in the name of Banoth Ramu S/o Beela not supported by revenue records.

f) House Tax of Gram Panchayat, Dabeerpeta village receipt No.47, dated 5.3.2008 in the name of father Banoth Nanda.

g) Pahani extract for the year 1965-66 & 1968-69 in Sy.No.11/21 of Dabeerpeta village, Khanapur Mandal in the name of Banoth Sakru S/o Jogya who is brother of grandfather of applicant.

Perusal of above xerox copies pertain to the year 1964 onwards but did not prove that they are residing in Dabeerpeta village from the year 1950.

In the explanation submitted before the DLSC on 28.09.2010, the individual had not produced any evidence to prove that they are residing in Dabeerpeta village since 26.1.1950 as required under GO Ms.No.3, SW (TW.Edn.II) Dept. dated 10.01.2000.

As per the Census, 1951, Dabeerpeta village is a Deserted village and that there are no residential houses etc. in the village during the year 1950-51.

In view of the above local enquiry and records, it is revealed that the individual/parents or their forefathers have not resided in Dabeerpeta village in the Agency Area since 26.1.1950 to till date continuously as required under GO Ms.No.3, SW (TW.Edn.II) Dept.dated 10.01.2000.

Therefore, the Revenue Divisional Officer, Narsampet reported that the local ST certificate issued by the then Tahsildar, Narsampet Mandal bearing Rc.No.C/2071/2002, dated 30.5.2002 to Sri Banothu Ravi S/o Nanda R/o Dabeerpeta village of Khanapur Mandal is liable to be cancelled keeping in view of the Government Orders issued in GO Ms.No.3, dated 10.01.2000.

- iv) On perusal of the connected record, oral and written evidences, detailed enquiry report submitted by the concerned Tahsildar and Revenue Divisional Officer and from the written explanation of the candidate or his parents, the DLSC came to a conclusion that there is no concluding evidence to prove that either the candidate or his parents have resided in the Agency area village continuously from the year 1950. As such, the DLSC has proposed for cancellation of the local ST certificate issued to the individual.
- v) In view of the recommendations of the DLSC and after examining reports of the Tahsildar concerned, Revenue Divisional Officer, Narsampet and explanation of the individual, the Local ST certificate bearing No.C/2071/2002, dated 30.05.2002 issued by the Tahsildar, KhanapurMandal was cancelled.

2. Aggrieved by the above cancellation orders of the Collector & District Magistrate, Warangal, vide reference 2nd read above, the appellant Sri Banoth Ravi S/o Nanda R/o Dabeerpeta village, Khanapur Mandal, Warangal District has filed the present Appeal before the Government under GO Ms.No.24, Tribal Welfare (LTR) Department, dated 12.6.2018 stating that:

- i) He belongs to ST Lambada community and a permanent resident of Dabeerpeta village in Khanapur Mandal of Warangal District where his ancestors also lived continuously in the same village since 1950.
- ii) The Dabeerpeta is a notified agency/scheduled village and treating him as local Scheduled Tribe of the said village, the Tahsildar, Khanapur after causing discrete enquiries has issued him the local ST Candidate Certificate bearing Rc.No.C/2071/2002, dated 30.05.2002.

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- iii) He has been provisionally selected to the post of Secondary Grade Teacher in DSC 2008 (TRT) vide Hall Ticket No.21200107545 under Agency Area Local ST (PH) category but appointment orders were not issued as the District Collector, Warangal has cancelled his Agency Area Local ST certificate vide Procs.Rc.No.C5/3342/2010, dated 27.04.2011.
- iv) They have immovable property i.e. agriculture land, house in the village – but the DLSC has not considered any of these facts and recommended for cancellation without giving him any opportunity.
- v) The Dabeerpeth village was shown as DESERTED in the Census 1951 – if that is so, how the village exists till now and how the Tahsildar, Khanapur has issued him the certificate as local ST of Dabeerpeth village. At the time of Census Survey in 1950s there may not be sizeable number of habitations and the Survey team might have taken it as DESERTED. The village Dabeerpeth has now emerged as a big village with Gram Panchayat having population of 1500.
- vi) In support of his claim, the appellant has submitted the following documents:
 - a) Certificates of academic career from I class to B.A. and B.Ed.
 - b) TET Pass Memorandum of Marks – July, 2011.
 - c) Community and Date of Birth Certificate issued by Tahsildar, Khanapur bearing Application No.CND021815011172, dated 6.11.2018 – wherein it was certified that the appellant belongs to Lambadis-28 (ST) community, resident of Dabeerpeth village and Date of Birth is 24.8.1981.
 - d) Local Scheduled Tribe Certificate bearing Rc.No.C/2072/2002, dated 30.5.2002 issued by Mandal Revenue Officer, Khanapur wherein it was certified that the appellant belongs to ST Lambada Tribe and residing at Dabeerpeth village along with his parents since 1950 which falls within the scheduled area.
 - e) Orthopedically Handicapped Certificate issued by Chairman, Regional Medical Board, Warangal – disability 60%.
 - f) Disability Certificate issued at Area Hospital, Mahabubabad bearing ID No.21266290010101006, date of issue: 5.1.2011.
 - g) White Ration Card No. No.WAP212901900392, dated 26.8.2006 – residence was recorded as H.No.1-74, Dabeerpeth, Khanapur Mandal.
 - h) Aadhar Card No.921281225915 issued by UIDAI Govt of India wherein appellant's residence was recorded as H.No.1-74, Ramnayakan thanda, Dabeerpeth, Khanapur-506132.
 - i) EPIC card No.AP/39/266/354474 issued by Electoral Registration Officer, Mahabubabad on 15.12.1995 to appellant's father Sri Banotu Nanda S/o Ramulu – residence was recorded as H.No.1-39, Dabeerpeth.
 - j) Aadhar Card No.8850 9781 6124 issued by UIDAI to his father Banotu Nanda wherein residence was recorded as H.No.1-74, Ramnayakan thanda, Dabeerpeth, Khanapur, Warangal Dist.
 - k) Election ID card No.FBB2379303, date of issue: 22.05.2003 issued by Electoral Registration Officer, Narsampet Constituency – issued to the appellant wherein his residence was recorded as H.No.1-39, Dabeerpeth, Block-I.

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I) Family Tree

Banoth Bheela is great grandfather. He has three younger brothers viz., Jagna, Manya and Lalu.

Banoth Bheela has four sons namely Banoth Ramu, Banoth Lakshman, Banoth Bheemla, Banoth Desya.

Banoth Ramu is appellant's grandfather. He has three sons viz., Valya, Chakru, Nanda.

Banoth Nanda is appellant's father and he has two sons namely Banoth Ravi (appellant) and Banoth Srinu (younger brother).

- m) Pahani of 1948-49 – Rajupeta village – Narsampet Mandal – name of Banoth Lalu (younger brother of appellant's great grandfather) was recorded.
- n) Pahani of 1968-69 – Dabeerpet village – Narsampet Taluq – name of Banoth Ramu S/o Bheela (grandfather of appellant) was recorded.
- o) RoFR Patta issued in the name of appellant's wife Banoth Aruna in the year 2005 wherein his permanent residence was recorded as Dabeerpet village in Khanapur Mandal under erstwhile Narsampeta Taluq of Warangal District (extent acs.1.01 gts).
- p) Pahani for the Fasli 1424 (2014) – Dabeerpet village – Khanapur Mandal – land measuring acs.0.10 gts situated in Sy.No.67/2 was recorded in the name of appellant.
- q) Pahani for the Fasli 1426 (2016) – Dabeerpet village – Khanapur Mandal – land measuring acs.1.02 gts situated in Sy.No.14/1 was recorded in the name of father of appellant viz., Banoth Nanda.
- r) Pahani for the Fasli 1426 (2016) – Dabeerpet village – Khanapur Mandal – land measuring acs.1.06 gts situated in Sy.No.14/2 recorded in the name of appellant's father Banoth Nanda.
- s) Pahani for the Fasli 1424 (2014) – Dabeerpet village – Khanapur Mandal – land measuring acs.1.00 situated in Sy.No.67/1/6 recorded appellant's name in enjoyment column.
- t) Panchanama dated 23.06.2016 recorded by Mandal Revenue Inspector – wherein the panchas and witnesses it was recorded that the appellant's family i.e. fore-fathers have agricultural lands as per Pahani 1948-49 in Rajupeta village and living continuously in Dabeerpet village since 80 years. The distance between Dabeerpet village of Khanapur Mandal and Rajupeta village of Narsampeta Mandalis about 3 KMs and are neighbouring villages.
- u) Gram Panchayat, Dabeerpet resolution dated 3.11.2010 - wherein it was resolved that appellant's family and ancestors have been continuously living in Dabeerpet village from before 1950.
- v) PESA Gram Sabha, Dabeerpet resolution dated 22.5.2023 wherein it was resolved that appellant's family and ancestors have been continuously living in Dabeerpet since 70 years.
- w) Procgs.Rc.No.E2-B/898/97, dated 9.12.1997 wherein cousin brother of appellant viz., Banoth Vagya son of Chakru (paternal uncle) was appointed as Single Teacher at Tribal Welfare Primary School, Ramnaik thanda under Agency Area Local ST category by the Project Officer, ITDA Eturunagaram.
- x) Certificate in Rc.No.B/712/2012, dated 7.12.2012 issued by Tahsildar, Khanapur Mandal that the record pertaining to the years 1950-1951 is not available in the office due to blasting of office by unknown extremists on 7.8.1990.

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- vii) In spite of submitting ample evidences and explaining all the above factual evidences before the DLSC, the authorities did not consider his case and recommended for cancellation of his Local ST certificate which was issued by the Tahsildar, Khanapur after causing discrete enquiries.
- viii) He belongs to poor ST Lambada community and got provisionally selected to the post of SGT under Agency Area Local ST category through DSC 2008 but due to declaring him as not local ST, he has been deprived of issuing appointment orders and thus meted out with grave injustice in spite of rightfully being Agency Area Local ST of Dabeerpeta village. He has been facing untold financial hardships to maintain his family without any source of livelihood/employment. Therefore, prayed the Government to consider his APPEAL and allow treating him as local ST of Dabeerpeta agency village of Khanapur Mandal in Warangal District.

3. In the reference 3rd read above, Government have admitted the above Appeal petition under G.O.Ms.No.24, dated 12.06.2018 and requested the District Collector, Warangal District, the Project Officer, ITDA, Eturnagaram, Mulugu District and Tahsildar, Khanapur Mandal Warangal District to submit connected records documents pertaining to the case along with para-wise remarks.

4. In the reference 4th read above, Notice was issued to the Appellant to attend for hearing on 26.08.2023 at 3.00 PM before the Government to prove his claim along with documentary evidences. Accordingly, the Appellant Sri Banoth Ravi has attended and submitted set of documents which are found same as submitted along with his Appeal petition. The District Tribal Development Officer, Warangal has attended and submitted certain available documents related to the present appeal in the reference 5th read above, which contain copy of cancellation orders of the District Collector, Warangal in Procs.No.C5/3342/2010, dated 27.4.2011 and copies of documents submitted by the appellant.

5. Findings:

- The District Collector, Warangal has cancelled the Local ST certificate of the Appellant basing on the report of the Tahsildar, Khanapur that during local enquiry, the family of appellant was found migrated from Bollikunta village of Sangem Mandal to Ramnayak Thanda H/o Dabeerpeta village of Khanapur about 40 years back and residing there since 1970 only and that before the DLSC the appellant has failed to produce evidence of his continuous stay in Dabeerpeta agency village since 1950.
- As regards finding of the Tahsildar, Khanapur that the family of the appellant migrated from Bollikunta village of Sangem Mandal, no documentary evidence has been collected except local enquiry.
- With regard to continuous stay since 1950, the appellant has submitted several documents particularly land held by his ancestors which have been issued by the concerned revenue authorities duly attested.

6. On perusal of the documentary evidences submitted by the Appellant and documents made available by the District Tribal Development Officer, Warangal during hearing on 26.8.2023 and in view of the above findings, it is established that the Appellant Sri Banoth Ravi S/o Nanda is the local ST candidate of Dabeerpeta agency village in Khanapur Mandal of Warangal District.

7. Government after careful examination of the matter, hereby allow the Appeal filed by Sri Banoth Ravi S/o Nanda R/o Ramnayak Thanda H/o Dabeerpeta village of Khanapur Mandal in Warangal District, treating him as Agency Area Local Scheduled Tribe of Dabeerpeta agency Village and Local ST certificate bearing Rc.No.C/2071/2002, dated 30.5.2002 as GENUINE duly setting aside orders of the District Collector, Warangal in Procs.No.C5/3342/2010, dated 27.4.2011.

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8. The Collector and District Magistrate, Warangal District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU,
SECRETARY TO GOVERNMENT.

To

The Collector and District Magistrate, Warangal District (By RPAD)

Sri Banoth Ravi S/o Nanda R/o Ramnayak thanda

H/o Dabeerpet village, Khanapur Mandal , Warangal District -506134 (By RPAD)

Copy to:-

The Commissioner and Director of School Education,
Telangana State, Hyderabad.

The District Educational Officer, Warangal District.

The Project Officer, ITDA, Eturnagaram, Mulugu District

The District Tribal Development Officer, Warangal District.

The Tahsildar, Khanapur Mandal, Warangal District

The P.S. to Hon'ble Minister for ST Welfare.

The PA to Secretary (TW).

The PA to Special Secretary (TW).

Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER.